

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

PAMELA G. CAPPETTA,

Plaintiff,

v.

GC SERVICES LIMITED PARTNERSHIP,

Defendant.

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Civil Action No. 3:08-cv-00288

**PLAINTIFF'S MEMORANDUM IN RESPONSE TO DEFENDANT'S
MOTION FOR LEAVE TO FILE AMENDED AFFIRMATIVE DEFENSES**

COMES NOW Pamela G. Cappetta the Plaintiff, by counsel, and for her response to Defendant's Motion for Leave to File Amended Affirmative Defenses she states as follows:

The short and simplest response is that Plaintiff does not object to the amendment of GC Services Limited Partnership's Answer to add one or more affirmative defenses, including the proposed defense asserted in the present Motion.

There is still time for appropriate discovery. The defense is largely a legal question, so the Plaintiff would not suffer unfair prejudice. Further, Plaintiff's has correctly explained in support of her own Motion to Amend that Rule 15 almost obligates a Court to permit amendment, absent specific findings otherwise. As with Plaintiff's Motion, Defendant's Motion would be properly granted.

However, the Plaintiff does not now address the relevance or viability of the new asserted defense. If raised in subsequent dispositive motions, Plaintiff will respond appropriately.

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of May, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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